

REMARKS

I. STATUS OF THE CLAIMS

Claims 1-26 are currently pending. Of these, claims 1-18 are allowed.

II. REJECTION OF CLAIMS 19-21 AND 24-26 UNDER 35 USC 102(E) AS BEING ANTICIPATED BY QIU (US PATENT NO. 6,640,318)

In the present invention as recited, for example, in claim 19, a slave test unit is connected to a digital data network via a phone line. As recited, for example, in claim 19, a remote test unit is connect to the digital data network so that electrical signals are transmitted from the remote test unit to the slave test unit by traveling via packets through the digital data network and then over the phone line from the digital data network to the slave test unit, and so that electrical signals are transmitted from the slave test unit to the remote test unit by traveling from the slave test unit to the digital data network over the phone line and then via packets through the digital data network.

As recited, for example, in claim 19, electrical signals transmitted from the remote test unit to the slave test unit in response to a call made from the remote test unit with the remote test unit positioned at an end point of the call include a test command indicating a test signal to be generated on the phone line by the slave test unit. As recited, for example, in claim 19, the slave test unit generates the test signal on the phone line in accordance with the test command.

Therefore, in claim 19, a call is made from the remote test unit with the remote test unit positioned at an end point of the call. See also claim 26. See, for example, FIGS. 2 through 4, and the disclosure on page 3, lines 20-22; and page 8, lines 11-21, of the specification.

In Qiu, test communications occur between communication hubs. For example, in FIG. 2 of Qiu, test communications occur between communication hubs 301 and 305, or between communication hubs 301 and 303.

However, the communication hubs of Qiu are not positioned at end points of a call. Instead, the communication hubs are positioned at intermediate points in a call. For example, in FIG. 2 of Qiu, communication hubs 301 and 303 are positioned between a call made from call device 300 to call device 306.

In addition, the communication hubs of Qiu do not make calls. Instead, the communication hubs perform continuity tests in response to calls made by other devices,

such as calls made by call device 300. For example, in FIG. 5 of Qiu, call device 300 makes a call (see the Off-Hook, Dial Tone and Digits communications in FIG. 5 of Qiu). The communication hubs then perform a continuity test in response to the call made by call device 300.

In item 5b on page 7 of the outstanding Office Action, the Examiner asserts that the communication hubs of Qiu can make calls, as evidenced by the dialback and ringback tones disclosed in columns 7 and 10 of Qiu. It is respectfully submitted that the dialback and ringback tones of Qiu can be understood from FIGS. 5, 6 and 10 of Qiu. For example, in FIGS. 5 and 6 of Qiu, communications hubs 301 and 305 are between call device 300 and second network 304. In FIG. 10 of Qiu, communication hubs 301 and 303 are between call device 300 and call device 306. The call devices, and not the communication hubs, make the calls. In Qiu, any operations relating to dialback and ringback tones provided by the communication hubs are in response to calls made by the call devices.

Therefore, it is respectfully submitted that Qiu does not disclose or suggest that a call is made by a remote test unit with the remote test unit positioned at an end point of the call, as recited, for example, in claim 19, in combination with the other features as recited, for example, in claim 19.

* * *

In the outstanding Office Action, the Examiner emphasizes (by the use of underlining) that column 4, lines 1-28, of Qiu, disclose that a call is made from a remote test unit with the remote test unit being positioned at an end point of the call. However, it is respectfully submitted that column 4, lines 1-28, and the corresponding FIG. 2 of Qiu, indicate that the communication hubs of Qiu are positioned at intermediate points in a call. For example, in FIG. 2 of Qiu, communication hubs 301 and 303 are positioned between a call made from call device 300 to call device 306. It is respectfully submitted that these communication hubs 301 and 303 of Qiu are NOT positioned at the end point of a call.

The Examiner notes that column 4, line 28, of Qiu, indicates that a communication hub can be a switch. However, it is respectfully submitted that the communication hub being a switch reinforces the Applicant's assertion that the communication hub is not positioned at the end point of a call. More specifically, a switch would not be positioned at the end point of a call, and instead would be positioned between other devices which make calls.

* * *

In item 5a on pages 6-7 of the outstanding Office Action, the Examiner asserts that certain embodiments in the specification are not limited to a remote test unit being positioned at

an end point of a call.

It is respectfully submitted that many broader embodiments may be disclosed in the specification than that actually claimed. More specifically, claims 19 and 26 specifically recite that the remote test unit is positioned at an end point of the call. Therefore, claims 19 and 26 should be interpreted as limited to including this recited feature. When this recited feature is considered, it is respectfully submitted that claims 19 and 26 are clearly distinguishable over Qiu.

In view of the above, it is respectfully submitted that the rejection is overcome.

III. REJECTION OF CLAIM 23 UNDER 35 USC 103 AS BEING UNPATENTABLE OVER QIU

The comments in Section II, above, for distinguishing over Qiu, also apply here, where appropriate.

In view of the above, it is respectfully submitted that the rejection is overcome.

IV. REJECTION OF CLAIM 22 UNDER 35 USC 103 AS BEING UNPATENTABLE OVER QIU IN VIEW OF HARDY (US PATENT NO. 6,519,323)

The comments in Section II, above, for distinguishing over Qiu, also apply here, where appropriate.

In view of the above, it is respectfully submitted that the rejection is overcome.

V. IDS

The Office Action mailed August 24, 2001, included an acknowledged Form PTO-1449 of the IDS filed April 24, 2000. However, the Examiner did not "initial" Reference 1A (US Patent No. 4,258,236).

In view of the above, it is respectfully requested that the Examiner "initial" Reference 1A (US Patent No. 4,258,236) on Form PTO-1449 of the IDS filed April 24, 2000.

VI. CONCLUSION

In view of the above, it is respectfully submitted that the application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

Date: June 23, 2005

By: Paul I. Kravetz
Paul I. Kravetz
Registration No. 35,230